

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

10/28/2008

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MARRIAGE OF
DORIS C WILLIAMS

STEVEN H EVERTS

AND

HENRY THOMAS WILLIAMS JR.

HENRY THOMAS WILLIAMS JR.
11343 E JENAN DR
SCOTTSDALE AZ 85259

FAMILY COURT SERVICES-CCC

TELEPHONIC STATUS CONFERENCE

**ORDER RE: RETROACTIVE CHILD SUPPORT, DEBT, 401K,
ATTORNEY FEES AND INCOME TAXES**

Courtroom 304-SE

10:37 a.m. This is the time set for telephonic Status Conference. Petitioner, Doris C. Williams, is telephonically present with counsel, Steven H. Everts. Respondent, Henry Thomas Williams, is telephonically present on his own behalf.

A digital audio recording of this proceeding is being made by "For The Record" in lieu of a court reporter.

Oral argument held on Mother's Motion for Post Trial Relief.

IT IS ORDERED taking this matter under advisement.

10:55 a.m. Matter concludes.

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LATER:

The Court has considered the Motion filed by Mother, the arguments presented by both parties, the case history, and the evidence previously presented. Based thereon,

IT IS ORDERED as follows regarding the Motion for Post Trial Relief:

1. **Deviation from Guidelines** – The Court denies Mother's request that the Court set aside the finding for deviation. The Court hereby affirms that the child support amount shall remain at \$750 per month.
2. **Retroactivity** – **The Court grants Mother the relief she is seeking and finds that the \$750 per month child support obligation is deemed effective retroactive to January 1, 2008.** Therefore, for the months of January through and including June 30, 2008, Father's child support obligation was \$4,500. He shall be entitled to credits against this sum based upon any child care payments actually made by Father during the six months. Further, if Father can prove additional support related payments to Mother, he shall be entitled to further credits. Additionally, if Father can prove that he paid any amounts in excess of \$750 per month on or since July 1, 2008, those excess amounts shall be credited against this retroactive support amount. At present, the Court is not making a final determination of the resulting amounts owed by Father to Mother.

LET THE RECORD REFLECT that a modified Order of Assignment shall be initiated electronically.

3. **Home Equity Line of Credit** – The relief requested by Mother is granted. Accordingly, the Decree of Dissolution of Marriage dated June 30, 2008 is hereby amended to provide that Father is responsible for the sum of \$33,913 against the Wells Fargo home equity line of credit (#1998). Any balance owed in excess thereof remains the sole obligation of Mother.
4. **401K** – Mother's request for relief is denied. The Court took into account the relatively nominal value of Father's 401K as part of an equitable division of the property.
5. **Attorney Fees** – Mother's requested relief is denied.
6. **Income Taxes** – The parties have stipulated to file separate state and federal tax returns for tax years 2002 through 2006. The Decree of Dissolution of Marriage is therefore modified. In accordance with the agreement of the parties, each shall file separate tax returns in accordance with applicable tax law. To the extent there is a liability or refund, it is assigned to the filing party.

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IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

10:55 a.m. Matter concludes.

Dated this 28th day of October, 2008

/S/ BRUCE R. COHEN

BRUCE R. COHEN
SUPERIOR COURT JUDICIAL OFFICER

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.